

ASSEMBLY BILL

No. 767

Introduced by Assembly Member Goldberg

February 22, 2001

An act to amend and repeal Section 11251.3 of, and to add Section 18901.3 to, the Welfare and Institutions Code, relating to human services.

LEGISLATIVE COUNSEL'S DIGEST

AB 767, as introduced, Goldberg. CalWORKs: food stamps: general assistance.

Existing law provides that a person convicted of specified felonies related to controlled substances shall be ineligible for aid under the CalWORKs program, and also for nonhealth-care general assistance benefits.

This bill would instead provide that persons convicted of specified felonies related to controlled substances are ineligible for aid under CalWORKs, nonhealth-care general assistance benefits, or food stamps unless they meet one of several specified conditions related to drug treatment, including completing a state-licensed, certified, or county-run drug treatment program, and submit to required periodic medical drug screening tests.

This bill would require a county level interagency team composed of specified representatives of county social service agencies to provide case management services to families receiving benefits under these provisions, and would require the services to be coordinated with certain corrections programs.

This bill would require counties to issue vouchers or vendor payments for at least rent and utilities payments to families eligible for aid under CalWORKs pursuant to these provisions.

This bill would make related technical changes.

This bill would require the State Department of Social Services to adopt regulations, and would authorize the adoption of emergency regulations, to implement its provisions.

This bill would make its provision operative on July 1, 2002.

By imposing new duties upon counties to administer these provisions, this bill would impose a state-mandated local program.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would, instead, provide that the continuous appropriation would not be made for the purpose of funding the CalWORKs allowances for persons made eligible by this bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11251.3 of the Welfare and Institutions
- 2 Code, as added by Section 1 of Chapter 283 of the Statutes of 1997,
- 3 is repealed.
- 4 ~~11251.3. (a) An individual shall be ineligible for aid under~~
- 5 ~~this chapter if the individual has been convicted in state or federal~~
- 6 ~~court after December 31, 1997, including any plea of guilty or nolo~~
- 7 ~~contendere, of any offense classified as a felony and that has as an~~
- 8 ~~element of the possession, use, or distribution of a controlled~~



1 ~~substance, defined in Section 102(6) of the Controlled Substance~~
2 ~~Act (21 U.S.C. Sec. 802(6)).~~

3 ~~(b) For a family receiving aid under this chapter that includes~~
4 ~~an individual who is ineligible pursuant to subdivision (a), a~~
5 ~~county shall issue vouchers or vendor payments for at least rent~~
6 ~~and utilities payments.~~

7 SEC. 2. Section 11251.3 of the Welfare and Institutions Code,
8 as added by Section 1 of Chapter 284 of the Statutes of 1997, is
9 amended to read:

10 11251.3. (a) An individual shall be ineligible for aid under
11 this chapter if the individual has been convicted in state or federal
12 court after December 31, 1997, including any plea of guilty or nolo
13 contendere, of a felony that has as an element the possession, *or*
14 ~~use, or distribution~~ of a controlled substance, defined in Section
15 102(6) of the Controlled Substances Act (21 U.S.C. Sec. 802(6))
16 or Division 10 (commencing with Section 11000) of the Health
17 and Safety Code:

18 ~~(b)~~, *unless one of the following conditions is met:*

19 *(1) The person, while incarcerated or subsequent to*
20 *incarceration, has successfully completed a state-licensed,*
21 *certified, or county-run drug treatment program.*

22 *(2) The person is currently participating in a state-licensed,*
23 *certified, or county-run drug treatment program, or is*
24 *participating in a court-mandated drug treatment or diversion*
25 *program.*

26 *(3) The person is willing to enroll and subsequently provides*
27 *verification of enrollment in a state-licensed, certified, or*
28 *county-run drug treatment program.*

29 *(4) At least five years have elapsed since the person fulfilled the*
30 *conditions imposed by the court in the disposition of the criminal*
31 *case, including conditions relating to incarceration, parole, and*
32 *probation.*

33 *(5) The person is not currently using a controlled substance.*

34 *(b) In order to receive benefits pursuant to paragraph (1), (4),*
35 *or (5) of subdivision (a), a person shall, prior to receiving aid, be*
36 *required to submit to and pass a medical drug screening test, as*
37 *specified in regulations adopted by the department, that*
38 *demonstrates the person is not using a controlled substance, as*
39 *defined in subdivision (a), other than as authorized by law.*

1 (c) All participants who receive benefits pursuant to this
2 section shall submit to and pass periodic medical drug screening
3 tests, as specified in regulations adopted by the department, that
4 demonstrate the person is not using a controlled substance, as
5 defined in subdivision (a), other than as authorized by law.

6 (d) A person's needs shall not be taken into consideration if it
7 is determined that the person has failed or refused to participate
8 in the drug treatment or diversion program without good cause, or
9 failed or refused to comply with subdivision (c). Penalties shall be
10 applied in accordance with the time frames established for
11 financial sanctions in subdivision (d) of Section 11327.5.

12 (e) A county level interagency team comprised of, but not
13 limited to, representatives from the county department of social
14 services, including both CalWORKs and child welfare, alcohol
15 and drug services, mental health services, and probation, shall be
16 convened by the CalWORKs program branch of the department to
17 provide case management services to all families enrolled under
18 this section.

19 (f) In counties where the Department of Corrections is
20 providing services under the female offender treatment and
21 employment program, CalWORKs services provided under this
22 section shall be coordinated with that program. In all other
23 counties, a representative of the Department of Corrections Parole
24 and Community Services Division shall cooperate with the
25 multidisciplinary team providing case management services to any
26 CalWORKs participant who is on parole. This subdivision shall
27 not apply to counties that do not physically contain a parole unit
28 or parole subunit. However, these counties shall develop
29 procedures to coordinate the work of the case management team
30 with the Parole and Community Services Division for those
31 CalWORKs participants currently on parole.

32 (g) For a family receiving aid under this chapter that includes
33 an individual who is ~~ineligible~~ eligible pursuant to ~~subdivision (a)~~
34 this section, a county shall issue vouchers or vendor payments for
35 at least rent and utilities payments.

36 (h) No appropriation pursuant to Section 15200 shall be made
37 for the purpose of funding an allowance under this chapter for
38 persons made eligible for that allowance by this section.

39 SEC. 3. Section 18901.3 is added to the Welfare and
40 Institutions Code, to read:

18901.3. Pursuant to Section 115(d)(1)(A) of Public Law 104-193 (21 U.S.C. Sec. 862a(d)(1)(A)), California opts out of the provisions of Section 115(a)(2) of Public Law 104-193 (21 U.S.C. Sec. 862a(a)(2)). Convicted drug felons shall be eligible for food stamps under the same conditions as those required for CalWORKs eligibility, as set forth in Section 11251.3, to the extent that federal Food Stamp Program law permits.

SEC. 4. (a) The Director of Social Services shall adopt regulations, as necessary, to implement the provisions of this act regarding the drug screening procedure, interpretation of drug screening results, standards for reliability and accuracy of tests, and other necessary matters.

(b) Notwithstanding the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) through December 31, 2002, the State Department of Social Services may implement drug screening provisions for convicted drug felons as described in this act through all county letters or similar instructions from the director.

(c) The State Department of Social Services shall adopt regulations to implement this section no later than January 1, 2003. Emergency regulations to implement the applicable provisions of this section may be adopted by the director in accordance with the Administrative Procedure Act. The initial adoption of emergency regulations and one readoption of the initial regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare. Initial emergency regulations shall be exempt from review by the Office of Administrative Law. The emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State and shall remain in effect for no more than 180 days.

SEC. 5. Notwithstanding any other provision of law, Sections 1 to 4, inclusive, of this act shall become operative on July 1, 2002.

SEC. 6. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for

- 1 reimbursement does not exceed one million dollars (\$1,000,000),
- 2 reimbursement shall be made from the State Mandates Claims
- 3 Fund.

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